

## **COMMITTEE AMENDMENT FORM**

**Committee:**    **Public Safety & Legal Administration Committee**    **Page Numbers:** **2**

**Ordinance:**        01-O-0152    **Section(s):** 1(a), 3

**Paragraph:**

**Date:** 2/13/01

### **AMENDMENT**

1) page 2, Section 1(a):

Add at the end of the sentence the following, "The Atlanta Municipal Court shall not be considered a court of competent jurisdiction."

2) page 2, Section 3:

Delete "; but any person who willfully violates this Code section may be punished by a civil fine in an amount deemed appropriate by the court or any other remedy in law or equity."

**AN ORDINANCE BY**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**AN ORDINANCE TO AMEND ARTICLE VI "ENFORCEMENT," SECTION 94-120 "CIVIL ACTIONS BY AGGRIEVED PERSONS" AND SECTION 94-12 SO AS TO CLARIFY THE PROVISIONS RELATED TO WHERE AN AGGRIEVED PERSON MAY COMMENCE A CIVIL ACTION AND TO CLARIFY THAT A VIOLATION OF ATLANTA'S HUMAN RELATIONS PROVISIONS ARE CIVIL AND NOT CRIMINAL OFFENSES; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, 00-O-1983 which was adopted by the Council on December 4, 2000 and approved by the Mayor on December 12, 2000 was intended to provide persons who were victims of discriminatory practices an avenue for redress under the laws of the City of Atlanta; and

**WHEREAS**, the city adopted this ordinance as a valid exercise of the police power of the City for the protection of the public welfare, health, peace and safety of the residents of the city; and

**WHEREAS**, the Council seeks to provide the most efficient and effective avenue of redress to protect all persons from acts of unlawful discrimination.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**SECTION 1.**

That Section 94-120, subsections (a) and (b) which currently state:

(a) An aggrieved person may commence a civil action in the Atlanta Municipal Court or any other court of competent jurisdiction not later than two years after the occurrence of the alleged act of discrimination or unlawful practice.

(b) An aggrieved person filing a civil action in the Atlanta Municipal Court shall have the right to seek injunctive relief, actual and compensatory damages, and punitive damages, as well as attorney's fees and costs. Punitive damages may be awarded under this article only when the evidence shows that the respondent's actions showed willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences or to the rights of

the aggrieved person. Any aggrieved person seeking compensatory damages shall also have the right to demand a jury trial.

is amended by deleting said subsections and substituting in lieu thereof the following:

(a) An aggrieved person may commence a civil action in ~~the Atlanta Municipal Court or any other~~ court of competent jurisdiction not later than two years after the occurrence of the alleged act of discrimination or unlawful practice. **The Atlanta Municipal Court shall not be considered a court of competent jurisdiction.**

(b) An aggrieved person filing a civil action in ~~the Atlanta Municipal~~ **a court of competent jurisdiction** shall have the right to seek injunctive relief, actual and compensatory damages, and punitive damages, as well as attorney's fees and costs. Punitive damages may be awarded under this article only when the evidence shows that the respondent's actions showed willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences or to the rights of the aggrieved person. ~~Any aggrieved person seeking compensatory damages shall also have the right to demand a jury trial.~~

## **SECTION 2.**

That Section 94-12 be amended by adding a new Section (3) to state the following:

**A violation of this Code section shall not be deemed a crime. ~~; but any person who willfully violates this Code section may be punished by a civil fine in an amount deemed appropriate by the court or any other remedy in law or equity.~~**

## **SECTION 3.**

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

the aggrieved person. Any aggrieved person seeking compensatory damages shall also have the right to demand a jury trial.

is amended by deleting said subsections and substituting in lieu thereof the following:

(a) An aggrieved person may commence a civil action in any court of competent jurisdiction not later than two years after the occurrence of the alleged act of discrimination or unlawful practice. *The Atlanta Municipal Court shall not be CONSIDERED a court of competent jurisdiction.*

(b) An aggrieved person filing a civil action in any court of competent jurisdiction shall have the right to seek injunctive relief, actual and compensatory damages, and punitive damages, as well as attorney's fees and costs. Punitive damages may be awarded under this article only when the evidence shows that the respondent's actions showed willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences or to the rights of the aggrieved person.

## **SECTION 2.**

That the current Section 94-113 be renumbered to be Section 94-14.

## **SECTION 3.**

That a new Section 94-113 be inserted to state the following:

A violation of this Code section shall not be deemed a crime; ~~but any person who willfully violates this Code section may be punished by a civil fine in an amount deemed appropriate by the court or any other remedy in law or equity.~~

## **SECTION 4.**

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.